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March 17, 1997

Mr. Lester Snow
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Dear Lester:

In all the hullabaloo at last week's BDAC meeting, spurred by the process issues which I raised regarding the Waldo mediation, the substance of EDF's concerns regarding the Monterey Accord was largely overlooked.

Accordingly, I am writing now to make sure that CALFED addresses these concerns, in their proper venues. We have acknowledged at various times that the Monterey Accord does have some notable good aspects. Perhaps I should have been more gracious last week in also acknowledging Mr. Waldo's role in achieving these results. However, at a time when the State Water Project was undertaking its most comprehensive reevaluation and financial restructuring since the early 1960s, EDF believes that the SWP's environmental responsibilities should have been modernized as well, just as the Central Valley Project's environmental mandates were modernized in the CVPIA of 1992. In addition, or perhaps as part of a comprehensive environmental review, in light of the physical realities, we believe that the State Water Project's total water commitments should have been comprehensively reassessed -- and substantially reduced -- when the Monterey Accord was negotiated. Yet, as you know, Principle 12 of the Monterey Agreement contains "a reaffirmation of DWR's existing contractual obligation to make all reasonable efforts to complete the SWP".

Not having been addressed in 1994 when they should have been (see prior EDF commentary on the Accord -- enclosed), these issues, the SWP's environmental responsibilities and its total water commitments, are now squarely within CALFED's bailiwick.

Please let us know where and when within the CALFED process these matters will be addressed.

Sincerely Yours,

Thomas J. Graff
Senior Attorney

Encs.

TG/ad

cc: Douglas Wheeler, Resources Secretary
David Kennedy, Director, DWR
Steve McCaulay, State Water Contractors
Jason Peltier, CVPWA

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